

# **EXHIBIT D**

1 UNITED STATES BANKRUPTCY COURT  
 2 FOR THE WESTERN DISTRICT OF TEXAS  
 SAN ANTONIO DIVISION

3 In re: )  
 4 CHRIS PETTIT & ASSOCIATES, ) LEAD CASE No. 22-50591-CAG  
 P. C. )  
 5 ) SECOND CASE No. 22-50592-CAG  
 CHRISTOPHER JOHN PETTIT )  
 6 ) Chapter 11  
 Jointly Administered ) (Jointly Administered Under  
 7 Debtors ) Case No. 22-50591)  
 8 )  
 9 )

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 11 RULE 2004 ORAL AND VIDEOTAPED EXAMINATION OF  
 12 CHRISTOPHER JOHN PETTIT  
 13 OCTOBER 14, 2022  
 14 VOLUME 2  
 15

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 17 RULE 2004 ORAL AND VIDEOTAPED EXAMINATION OF  
 18 CHRISTOPHER JOHN PETTIT, produced as a witness at the  
 19 instance of the Attorneys for Robin and Mark Verstuyft  
 20 and Karen and Wade Seifert, and duly sworn, was taken in  
 21 the above-styled and numbered cause on October 14, 2022,  
 22 from 9:55 a.m. to 12:45 p.m., before Deborah A.G.  
 23 Davidson, CSR, RPR, in and for the State of Texas,  
 24 reported by machine shorthand, at the Conference Room 2  
 25 and 3 on the 1st Floor of the Hipolito F. Garcia Federal

1 Building & Courthouse, 615 E. Houston Street, San  
2 Antonio, Texas 78205, pursuant to the 2004 Federal and  
3 Local Rules of Bankruptcy Procedure and the provisions  
4 stated on the record or attached hereto.  
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21  
22  
23  
24  
25

## A-P-P-E-A-R-A-N-C-E-S

FOR ROBIN AND MARK VERSTUYFT and KAREN AND WADE SEIFERT:

Ms. Leslie M. Luttrell  
LUTTRELL + CARMODY LAW GROUP  
100 N.E. Loop 410, Suite 615  
One International Centre  
San Antonio, Texas 78216  
Phone: (210) 426-3600  
luttrell@alclawgroup.net

FOR ERIC TERRY, CHAPTER 11 TRUSTEE:

Mr. Basil A. Umari  
DYKEMA  
5 Houston Center, 1401 McKinney  
Suite 1625  
Houston, Texas 78010  
Phone: (713) 904-6883

FOR COUNSEL FINANCIAL II, LLC AND COUNSEL FINANCIAL HOLDINGS:

Mr. Randall A. Pulman  
Ms. Anna K. MacFarlane (Via Videoconference)  
PULMAN, CAPPUCCIO & PULLEN, LLP  
2161 NW Military Highway  
Suite 400  
San Antonio, Texas 78213  
Phone: (210) 222-9494  
rpulman@pulmanlaw.com

FOR BREYER LIVING TRUST:

Mr. Morris E. "Trey" White, III  
VILLA & WHITE, LLP  
1100 NW Loop 410  
Suite 802  
San Antonio, Texas 78213  
Phone: (210) 225-4500  
treywhite@villawhite.com

1 FOR GORDON AND WENDY KUENEMANN, BELINDA STANUSH AND  
2 JAMIE MONTELONGO:

3 Mr. David S. Gragg  
4 LANGLEY & BANACK, INC.  
5 745 East Mulberry  
6 Suite 700  
7 San Antonio, Texas 78212  
8 Phone: (210) 736-6600  
9 dgragg@langleybanack.com

10 FOR STEPHEN JONES AND J. ALBERT JONES TRUST:

11 Mr. David McQuade "David" Leibowitz  
12 LAW OFFICES OF DAVID MCQUADE LEIBOWITZ, PC  
13 517 Soledad Street  
14 San Antonio, Texas 782015  
15 Phone: (210) 225-8787  
16 david@leibowitzlaw.com

17 ALSO PRESENT:

18 Mr. Thanhhan "An" Nguyen (Via Videoconference)  
19 MUNSCH HARDT KOPF & HARR, P.C.  
20 Hartland Plaza  
21 1717 West 6th Street, Suite 250  
22 Austin, Texas 78701-3924  
23 Phone: (512) 391-6142  
24 anguyen@munsch.com

25 Eric Terry, Attorney;

Mary Elizabeth Heard, Attorney (Via Videoconference)

Salvador Ortiz, (Via Videoconference)

Mary Ann Villa, (Via Videoconference)

Karen Seifert (Via Videoconference)

Wendy Kuenenmann;

Earl Beyer;

Ken Beyer;

Ken Locke;

1       Joyce Locke;  
2       Christina McQueary;  
3       Valerie Morris;  
4       Mark Verstuyft;  
5       Robin Verstuyft;  
6       Belinda Sommeil;  
7       Ashley Spanish Jackson;  
8       Stephen Jones;  
9       Robert Brown;  
10       Marshals;  
11       Celso Cavazos,  
          The Videographer;  
12  
13       Christopher John Pettit,  
          The Witness;  
14  
15       Deborah Davidson,  
          Certified Shorthand Reporter.

1 THE VIDEOGRAPHER: We're on the record.  
2 Today's date is October the 14th. The time is 9:04 a.m.  
3 This is tape number one of the deposition of Christopher  
4 John Pettit, taken in the United States Bankruptcy Court  
09:04 5 for the Western District of Texas, San Antonio Division,  
6 in the matter of Chris Pettit & Associates P.C.,  
7 Christopher John Pettit, jointly administered debtors.  
8 Case number -- lead case number is 22-50591-CAG. Second  
9 case number 22-50592-CAG.

09:04 10 This deposition is being held in  
11 San Antonio, Texas. My name Celso Cavazos, the  
12 videographer. The court reporter's name is Debbie  
13 Davidson. Will counsel please introduce themselves for  
14 the record.

09:05 15 MR. LEIBOWITZ: Good morning. My name is  
16 David Leibowitz and I represent Stephen Jones and his  
17 family.

18 THE VIDEOGRAPHER: Sir, your mic.

19 MR. WHITE: Trey --

20 MR. LEIBOWITZ: I beg your pardon? Mine  
21 you have. Okay. You want me to do it again?

22 THE VIDEOGRAPHER: I heard you, sir.

23 MR. LEIBOWITZ: You did. Thank you.

24 MR. WHITE: Trey White for the Beyer Living  
09:05 25 Trust.

1 MS. LUTTRELL: Leslie Luttrell for Mark and  
2 Robin Verstuyft and Karen and Wade Seifert.

3 CHRISTOPHER PETTIT,  
4 having been first duly sworn, testified as follows:

09:05 5 EXAMINATION

6 BY MR. LEIBOWITZ:

7 Q. Good morning, Mr. Pettit. My name is David  
8 Leibowitz. I represent Stephen Jones and the Jones  
9 family. Do you understand who I am --

09:05 10 A. Yes, sir.

11 Q. -- and who I represent?

12 A. I do.

13 Q. Okay. I want to briefly discuss -- discuss  
14 some ground rules with you. If we both try to follow  
09:06 15 these ground rules, not only will things run more  
16 smoothly, but we'll probably get done sooner. Okay?

17 A. Yes, sir.

18 Q. Okay. First and foremost, do you appreciate  
19 the importance, the significance, and the solemnity of  
09:06 20 the oath that you just took a moment ago?

21 A. Yes, sir.

22 Q. Are you prepared today to give us complete,  
23 accurate, and honest answers?

24 A. Yes, sir.

09:06 25 Q. If you do not understand a question that I ask



1 Q. Were you doing any estate planning in  
2 New Mexico?

3 A. No.

4 Q. Were you doing any 1031 exchanges in  
10: 58 5 New Mexico?

6 A. No.

7 Q. Okay. Why did you establish the Winter Park  
8 IOLTA account?

9 A. Again, because I was considering retiring  
10: 58 10 future in Florida and they had financed the Florida  
11 home. So I started a bank account there just to  
12 establish a business relationship with them.

13 Q. You -- and you established specifically an  
14 IOLTA account?

10: 58 15 A. No. It was a -- it was a personal account  
16 originally, and then I opened a operating account, and  
17 then we opened an IOLTA account with them.

18 Q. Is there any reasons that revenue from EOG  
19 would have been deposited in the New Mexico IOLTA  
10: 59 20 account?

21 A. No. I don't know of a particular reason.

22 Q. And you would agree with me just by looking at  
23 the history of these bank accounts that the New Mexico  
24 IOLTA account was overdrawn on multiple occasions?

10: 59 25 A. Yes, sir. I don't disagree with you.

1 A. Yes, sir.

2 Q. And I'll -- I'll help us all out. I'll read  
3 it.

4 Borrower -- borrower shall not obtain or  
11:30 5 use the proceeds of any loan for any purpose other than  
6 for law firm purposes, that is, for working capital of  
7 the borrower, including payments to any guarantor.  
8 Borrower covenants that no loan proceeds shall be used  
9 by borrower for other than a business or commercial  
11:30 10 purpose of borrower. Borrower further acknowledges,  
11 warrants, and represents to and agrees with the lender  
12 that the lender has made no representation to the  
13 borrower regarding the adequacy of any loans or advances  
14 made to the borrower pursuant to this note for purposes  
11:30 15 of conducting borrower's legal practice or other  
16 business operations. And then it says that you'll get a  
17 \$500,000 draw --

18 A. Okay.

19 Q. -- on the loan?

11:30 20 A. Yes.

21 Q. And this is September of 2021. The account  
22 that these monies were deposited into I think is this  
23 account, and I've got a statement here. It's account  
24 number -- let's see if I can find it. I'm sure it's on  
11:31 25 here someplace, but I don't see it. I'm going to mark

1 it as Exhibit 30 to your examination.

2 (Exhibit 30 marked.)

3 Q. (BY MR. PULMAN) Can you identify that document  
4 for us?

11:31 5 A. Yes, sir. It appears to be the trust account  
6 with Winter Park Bank.

7 Q. Okay. And I just want to see if I can find  
8 this. It looks like it's account number ending 217.  
9 There it is, account number --

11:31 10 A. Now I see it too. Yes, sir.

11 Q. -- 217?

12 Okay. Winter Park Bank is in Florida?

13 A. Yes, sir.

14 Q. And I think I heard you say that you do not  
11:32 15 have a license to practice law in Florida?

16 A. Correct.

17 Q. Well, why -- what prompted you to open this  
18 IOLTA account in Florida?

19 A. They had done the financing for the home in  
11:32 20 Florida, and I had talked to them about establishing a  
21 business relationship with them. They had told me  
22 that -- as they were opening the account that they were  
23 applying for it to have Texas IOLTA status.

24 Q. Okay. "They" being Winter Park Bank?

11:32 25 A. Yes.



1 Q. Okay. Do you remember who was the person at  
2 Winter Park Bank that you may have had that discussion  
3 with?

4 A. There were several people I would have those  
11:32 5 discussions with. One would have been Tina. I forget  
6 her last name. The other would be David, who was the  
7 president of the bank.

8 Q. All right. So if we look on the first page of  
9 Exhibit 30, I think we see the two transfers in from  
11:33 10 Counsel Financial?

11 A. Yes, sir.

12 Q. One for five hundred grand on September 7th and  
13 it looks like another 423 just a couple of days later.  
14 423,000?

11:33 15 A. Right.

16 Q. All right. And there are some other transfers  
17 in. If you look at the -- at the -- I think it's the  
18 third page, do you see the Bates number down there,  
19 WP-2217 --

11:33 20 A. Yes, sir.

21 Q. -- dash 00018?

22 A. Yes, sir.

23 Q. And there's a transfer in on 9-14 or a deposit  
24 of \$1,215,750?

11:33 25 A. Yes, sir.

1 UNITED STATES BANKRUPTCY COURT  
 2 FOR THE WESTERN DISTRICT OF TEXAS  
 SAN ANTONIO DIVISION

3 In re: ) LEAD CASE No. 22-50591-CAG  
 )  
 4 CHRIS PETTIT & ASSOCIATES, ) SECOND CASE No. 22-50592-CAG  
 P. C. )  
 5 )  
 CHRISTOPHER JOHN PETTIT ) Chapter 11  
 6 ) (Jointly Administered Under  
 Jointly Administered ) Case No. 22-50591)  
 7 Debtors )  
 8

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9 REPORTER'S CERTIFICATION OF THE  
 10 RULE 2004 ORAL AND VIDEOTAPED EXAMINATION OF  
 11 CHRISTOPHER JOHN PETTIT  
 12 OCTOBER 14, 2022  
 13 VOLUME 2  
 14

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15  
 16 I, Deborah A. G. Davidson, Certified Shorthand  
 17 Reporter and Notary Public in and for the State of  
 18 Texas, hereby certify to the following:

19 That the witness, CHRISTOPHER JOHN PETTIT, was  
 20 duly sworn by the officer and that the transcript of the  
 21 oral deposition is a true record of the testimony given  
 22 by the witness;

23 That the original deposition was delivered to

24 \_\_\_\_\_;

25 That a copy of this certificate was served on

1 all parties and/or the witness shown herein on

2 \_\_\_\_\_.

3 I further certify that pursuant to the 2004  
4 Federal and Local Rules of Bankruptcy Procedure that the  
5 signature of the deponent:

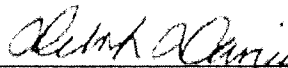
6 \_\_\_\_\_ was requested by the deponent or a party  
7 before the completion of the deposition and that the  
8 signature is to be before any notary public and returned  
9 within 30 days from date of receipt of the transcript.

10 If returned, the attached Changes and Signature Page  
11 contains any changes and the reasons therefore:

12 \_\_\_\_\_ was not requested by the deponent or a  
13 party before the completion of the deposition.

14 I further certify that I am neither counsel  
15 for, related to, nor employed by any of the parties or  
16 attorneys in the action in which this proceeding was  
17 taken, and further that I am not financially or  
18 otherwise interested in the outcome of the action.

19 Certified to by me this, the 21st of October,  
20 2022.

21 

22 Deborah A.G. Davidson, Texas CSR 1857  
23 Expiration Date: 8/31/2024  
24 Firm Registration No. 253  
25 Davidson Reporting, Inc.  
926 Chulie Drive, Suite 115  
San Antonio, Texas 78216  
Phone: (210) 340-3656





WINTER PARK NATIONAL BANK  
201 N. NEW YORK AVE.  
SUITE 100  
WINTER PARK, FL 32789  
407-853-7100

265725

CHRIS PETTIT & ASSOCIATES PC  
TRUST ACCOUNT  
11902 RUSTIC LN  
SAN ANTONIO TX 78230

Date 9/30/21

Page 1

## CHECKING ACCOUNT

COMMERCIAL ANALYSIS CHECKING		Number of Enclosures	232
Account Number	XXXXXXXXXXXX217	Statement Dates	9/01/21 thru 9/30/21
Previous Balance	55,609.39	Days in Period	30
31 Deposits/Credits	2,984,810.48	Average Ledger	169,715.10
259 Checks/Debits	2,907,453.40	Average Collected	105,741.05
Service Charge	.00		
Interest Paid	.00		
Ending Balance	132,966.47		

	Total For This Period	Total Year-to-Date
Overdraft item fees year to date	\$70.00	\$840.00
Return item fees year to date	\$35.00	\$420.00

## DEPOSITS

Date	Description	Amount
9/01	Deposit/Credit	13,696.42
9/02	Deposit/Credit	2,687.57
9/07	Wire Transfer Credit	500,000.00
	COUNSEL FINANCIAL II LLC OPERA	
	6400 MAIN ST	
	WILLIAMSVILLE	
	14221 US NY	
	20210907B6B7HU3R015100	
	20210907MMQFMPOQ000040	
	09071404FT03	
9/07	Deposit/Credit	8,642.30
9/07	Deposit/Credit	30,001.00
9/09	Wire Transfer Credit	423,755.00
	COUNSEL FINANCIAL II LLC OPERA	
	6400 MAIN ST	
	WILLIAMSVILLE	
	14221 US NY	
	20210909B6B7HU3R015945	
	20210909MMQFMPOQ000045	
	09091556FT03	
9/09	Trsf from Oak Hills Financial	20,000.00

EXHIBIT 30  
WIT: C. Pettit  
DATE: 10/14/22  
DEBORAH DAVIDSON, CSR

MEMBER FDIC

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION



WP-2217-00016





Date 9/30/21

Page 3

COMMERCIAL ANALYSIS CHECKING

XXXXXXXXXXXX217 (Continued)

## OTHER DEBITS

Date	Description	Amount
9/02	Transf to Personal checking Confirmation number 902210004	1,000.00-
9/03	912021 CSC CCD	69.06-
9/07	Overdraft Item Charge	35.00-
9/07	Wire Transfer Debit <del>Gary Archer</del> 321176833 0005015367 1187 Mariposa Ave. San Jose, CA 95126 MERIWST CU SJOSE SAN JOSE, CA 20210907MMQFMPOQ000012 20210907QMGFNP31002238 09071518FT03	140,271.93-
9/07	Transf to CP and Associates Confirmation number 907210043	25,000.00-
9/08	Wire Transfer Debit <del>Paul and Black, PA</del> 026073066 1022017931 2211 Norgolk Street suite 800 Houston, TX. 77098 ESQUIRE BANK NA JERICHO, NY Paul Patrick Black 20210908MMQFMPOQ000019 20210908GMQFMP01019709 09081342FT03	6,750.00-
9/08	Wire Transfer Debit <del>Michael Archer</del> 111000614 705065162 7122 Fushia Lane Humble, Texas 77346 JPMCHASE TEXAS BANK ONE TEXAS, TX 20210908MMQFMPOQ000001 20210908B1QGC01R023601 09081011FT03	140,271.93-
9/09	Transf to CP and Associates Confirmation number 909210007	7,500.00-
9/10	Wire Transfer Debit <del>Laudia Abrego</del>	7,500.00-

WP-2217-00019





Date 9/30/21

Page

8

COMMERCIAL ANALYSIS CHECKING

XXXXXXXXXXXX217 (Continued)

**OTHER DEBITS**

Date	Description	Amount
	114000093	
	114923439	
	120 CR 4720	
	Castroville, TX 78009	
	FROST BANK	
	SAN ANTONIO, TX	
	Further Credit to Castroville	
	Bank, Customer George F. Robbi	
	account number 811807	
	20210916MMQFMPOQ000022	
	20210916K4QLA01C000610	
	09161136FT03	
9/16	9142021 CSC	34.53-
	CCD	
9/16	Payment ATT	1,105.62-
	TEL	
9/16	Transf to Oak Hills Financial	5,000.00-
	Confirmation number 916210010	
9/17	Wire Transfer Debit	60,120.00-
	George F. Robbins, Jr.	
	114000093	
	114923439	
	120 CR 4720	
	Castroville, TX 78009	
	FROST BANK	
	SAN ANTONIO, TX	
	Further Credit to Castroville	
	Bank, Customer George F. Robbi	
	account number 811807	
	20210917MMQFMPOQ000022	
	20210917K4QLA01C001484	
	09171522FT03	
9/20	Wire Transfer Debit	10,000.00-
	Walt	
	113025299	
	0101008104	
	6001 Savoy Drive	
	Suite 601	
	Houston, TX 77036	
	LONE STAR BANK	
	HOUSTON, TX	
	20210920MMQFMPOQ000003	
	20210920QMGFNP67000694	
	09201008FT03	
9/21	Overdraft Item Charge	35.00-
9/21	9172021 CSC	34.53-
	CCD	
9/21	WEB PMTS City of North Li	500.00-
	CCD	

WP-2217-00024



Date 9/30/21

Page

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COMMERCIAL ANALYSIS CHECKING

XXXXXXXXXXXX217 (Continued)

**OTHER DEBITS**

Date	Description	Amount
9/23	Nonsufficient Funds Charge	35.00-
9/23	INS PYMT HUMANA, INC. PPD	13,323.12-
9/28	Deposited Item Returned	25,000.00-
9/28	Deposited Item Returned	25,000.00-
9/28	Wire Transfer Debit <del>Charmaine Benson</del> 065400137 630980089 1025 Trail Court Mandeville, LA 70448 JPMCHASE LOUISIANA BATON ROUGE, LA 20210928MMQFMPOQ000005 20210928B1QGC01R029056 09281046FT03	2,000.00-
9/28	Wire Transfer Debit <del>Sony Archer</del> 321176833 0005015367 1187 Mariposa Ave. San Jose, CA 95126 MERIWST CU SJOSE SAN JOSE, CA 20210928MMQFMPOQ000006 20210928QMGFNP72000754 09281046FT03	4,050.00-
9/28	Wire Transfer Debit <del>Michael Archer</del> 111000614 705065162 7122 Fushia Lane Humble, Texas 77346 JPMCHASE TEXAS BANK ONE TEXAS, TX 20210928MMQFMPOQ000007 20210928B1QGC01R029155 09281047FT03	4,050.00-
9/28	Wire Transfer Debit <del>Sacquis Krom</del> 321176794 0030794457 7048 Via Blanca San Jose, CA 95139 COMWEA CENT CU SJ SAN JOSE, CA 20210928MMQFMPOQ000004 20210928GMQFMP01011197	20,000.00-

WP-2217-00025